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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 CHRISTOPHER M. MORGAN,

12 Plaintiff,

13 v.

14 ANISE ADAMS, et al.,

15 Defendants.
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No. 2:23-CV-1018-DJC-DMC-P

FINDINGS AND RECOMMENDATIONS

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's original complaint, ECF No. 1.

19 On February 1, 2024, the Court issued an order addressing the sufficiency of
20 Plaintiff's complaint. See ECF No. 9. The Court determined that Plaintiff states cognizable
21 Eighth Amendment claims against Defendants Fears and Casillas. See id. The Court also
22 determined, however, that Plaintiff's claim against Defendant Adams, the Chief Medical
23 Executive at the California Health Care Facility, could not proceed. See id. Plaintiff was
24 provided an opportunity to amend the complaint and cautioned that, if he did not do so within the
25 time provided, the action would proceed on the original complaint as against Defendants Fears
26 and Casillas only and that the Court would recommend dismissal of Defendant Adams. See id.
27 Plaintiff has not filed an amended complaint within the time permitted therefor, and the Court

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now recommends dismissal of Defendant Adams consistent with the February 1, 2024, order.¹

Based on the foregoing, the undersigned recommends as follows:

1. Defendant Adams be DISMISSED for failure to state a claim upon which relief can be granted.

2. This action proceed on Plaintiff's original complaint as to his Eighth Amendment claims against Defendants Fears and Casillas only.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after being served with these findings and recommendations, any party may file written objections with the Court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: March 19, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

¹ By separate order issued herewith, the Court directs service of process on Defendants Fears and Casillas.